IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17652 of 1999

Between:
Pilla Surya Rao, S/o. Late Appanna, aged 53 years,
R/o. Kurellagudem, Bhimadole Mandalam,
West Godavari District.

... PETITIONER

AND
1. Gram Panchayat, Kurellagudem rep. By its Sarpanch,
   Sri K. Venkateswara Rao, Kurellagudem, Bhimadole Mandal,
   West Godavari District.

2. The Divisional Engineer (Operation), A.P.TRANSCO Ltd.,
   Powerpet, Eluru, West Godavari District.

3. Additional Assistant Engineer (Operation), A.P. TRANSCO Ltd.,
   Bhimadole, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 2 and 3 in erecting or installing the electrical poles and tube lights in violation of the areas mentioned in the Resolution passed by the 1st Respondent and at the dictates of local leaders of Telugu Desam Party is illegal, arbitrary, erroneous, discretionary and politically motivated and direct the respondents 2 and 3 herein to erect the electrical poles and tube lights as per the areas mentioned in the Resolution No.45 dated 12.3.1996 of the 1st respondent.

For the Petitioner : MR.Y.V.RAVI PRASAD, Acvocate

For the Respondent No.1 : GP for Panchayat Raj

For the Respondent Nos.2 & 3: Mr. K. N. Jwala, Standing Counsel

The Court Made the Following :

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17652 OF 1999

ORDER:

Petitioner claiming to be resident of Kurellagudem village filed the present writ petition in the form of public interest complaining that the respondents-2 and 3 are erecting the electric poles with tube lights at the areas selected by the sitting M.L.A. other than the areas earmarked by the Gram Panchayat in its resolution dated 12.03.1996. It is alleged that the Gram Panchayat in its resolution mentioned the required places where the electrical poles and tubes have to be erected and in pursuance of said resolution respondents-2 and 3 prepared sketch and supplied the required poles a year ago and they did not erect due to the interference of sitting M.L.A. But all of a sudden they have erected at the places other than the places mentioned in the resolution.

The third respondent filed a counter affidavit on behalf of respondent Nos.2 and 3 stating that on receipt of the resolution from the Gram Panchayat, estimates were prepared and submitted to the second respondent, which were sanctioned for Rs.91,960/- and work order was obtained on 26.03.1998 for carrying out the work, but due to

closing of financial year another work order was taken on 21.04.1998 for drawal of the material for execution of work and thereafter the work was awarded to the Contractor under an agreement dated 03.08.1998. The materials were issued to the Contractor along with the sketch for execution of the work on 06.11.1998. The work was delayed due to non-payment of charges within the stipulated time and since then no contractor came forward to complete the work. The contractor erected only 13 poles out of 25 poles and out of 13 poles erected by the Contractor item No.3 of the resolution was covered. But the contractor erected 5 poles instead of 4 poles for which a notice was served on the Contractor to which the contractor submitted his explanation stating that the extra pole erected as per the request of the Sarpanch will be removed and the balance will be completed as per the sketch handed over to the as per the resolution of Gram Panchayat.

No reply affidavit is filed contraverting the averments made in the counter affidavit though the counter affidavit is filed in April, 2000.

However, it is nowhere stated in the affidavit filed in support of the petition that how the public interest will be suffered in erecting the poles. If the said work was executed contrary to the resolution of the Gram Panchayat, it is for the Gram Panchayat to safeguard its interest. In view of the same, I see no force in the contention made by the learned counsel for the petitioner that the petitioner as a public spirited man filed the present writ petition to safeguard the interest of public, whose rights are infringed. There are no merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

16th June, 2004
ys

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

TO

1. Gram Panchayat, Kurellagudem rep. By its Sarpanch,
   Sri K. Venkateswara Rao, Kurellagudem, Bhimadole Mandal,
   West Godavari District.

2. The Divisional Engineer (Operation), A.P.TRANSCO Ltd.,
   Powerpet, Eluru, West Godavari District.

3. Additional Assistant Engineer (Operation), A.P. TRANSCO Ltd.,
   Bhimadole, West Godavari District

4. Two CCs to the Government Pleader for Panchayat Raj, High Court
   Buildings, A.P., Hyderabad (O.U.T)

5. Two C.D. copies.